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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 992,655	11 13 2001	Mark A. Roesch	427600600049	9768

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STEPHEN D. SCANLON
JONES DAY
901 LAKESIDE AVENUE
CLEVELAND, OH 44114

EXAMINER

ESTRADA, ANGEL R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,655

Applicant(s)

ROESCH ET AL.

Examiner

Angel R. Estrada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-24 and 26-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-13, 17, 18, 20-24, 26-29 and 32-41 is/are allowed.
- 6) ☒ Claim(s) 14-16, 19, 30, 31 and 42-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14-16, 19, 30, 31 and 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nattel et al (US 5,354,953) in view of Hansen (US 4,140,293).

Regarding claim 14, Nattel et al disclose a gangable electrical unit (see figure 2) comprising a bracket (14) for housing an electrical component (see figure 1); said bracket (14) including a wall structure that defines a front opening (see figure 2); but Nattel et al lack an adhering element positioned on the wall structure of the ganged electrical unit, said adhering element positioned to engage the wall of the electrical outlet box. Hansen teaches a bracket (C) including a wall structure that defines a front

opening and an adhering element (9) positioned on the wall structure of the bracket (10), said adhering element (9) positioned to engage the wall of an electrical outlet box (A). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Nattel et al's bracket with an adhering element coupled to the wall structure of the bracket as taught by Hansen to make a firm permanent connection between the bracket and the outlet box and to reduce the manufacturing process.

Regarding claim 15, the modified Nattel et al disclose the gangable unit (see figure 2) wherein the wall structure of the bracket (14) includes a top wall (18), a bottom wall (see figure 2; 18), an attachment side wall (16), and the adhering element (9 as taught by Hansen) being attached to the attachment side wall (16).

Regarding claim 16, Nattel et al disclose the gangable electrical unit (see figure 2), wherein the wall structure of the bracket (14) includes three walls that partially surround the front opening (see figure 2).

Regarding claim 19, Hansen teaches that the adhering element (9) can be a putty (column 2 line 3-5).

Regarding claim 30, the modified Nattel et al disclose the ganged electrical outlet box assembly (see figure 1) comprising: the gangable electrical unit (see figure 2; 14); an electrical outlet box (12) having a four-sided wall structure defining a front opening (see figure 2), said electrical outlet box wall structure having an outer periphery and an interior, said interior for receiving an electrical component (see figure 1 and 2), where

the gangable electrical unit (see figure 2; 14) can be attached to the electrical outlet box (12) by the adhering element (9 as taught by Hansen).

Regarding claim 31, Hansen teaches that the adhering element (9) can be a putty (column 2 line 3-5).

Regarding claim 42, Hansen teaches that the adhering element (9) is an adhesive (column 2 line 3-5).

Regarding claim 43, Hansen teaches that the adhering element (9) can be a putty (column 2 line 3-5).

Regarding claim 44, Hansen teaches that the adhering element (9) can be a hook and loop tape (column 2 line 3-5).

Regarding claim 45, Hansen teaches that the adhering element (9) is an adhesive (column 2 line 3-5).

Regarding claim 46, Hansen teaches that the adhering element (9) can be a putty (column 2 line 3-5).

Regarding claim 47, Hansen teaches that the adhering element (9) can be a putty (column 2 line 3-5).

Response to Arguments

2. Applicant's arguments filed April 15, 2003 have been fully considered but they are not persuasive.

a) In response to the applicants' arguments, the applicants state that the teaching of Hansen (US 4,140,293) is not applicable to the disclosure of Nattel et al

(US 5,534,953) because Nattle discloses a gangable electrical system and Hansen relates to a bracket for attaching an electrical box to a stud; the applicants further state that Hansen does not teach a bracket configured to house an electrical component. The Examiner points out that Hansen was not relied upon to teach a bracket configured to house an electrical component, these components are disclosed by Nattle et al. Hansen is only relied upon the teaching of using an adhesive element to join a bracket to a wall of an electrical box.

b) In response to the applicants' arguments that there would be no motivation to combine both reference since Nattel already provides means for attaching the bracket to the electrical box in a permanent fashion (motivation used by the Examiner to combine Nattle and Hansen), the Examiner points out that Nattle does not specified those means, the reference just gives an example on how to attach the bracket to the box, although Nattle gives by example the use of welding to attached the bracket to the box; other means can be used such as an adhesive element as taught by Hansen. By using the adhesive element of Hansen the manufacturing process will be reduced since is more convenience to apply an adhesive element to join both structures than to weld it.

c) In response to the applicants' arguments that Hansen does not teach that the adhesive element is a double-side tape, a putty or a hook and a loop tape. The Examiner disagreed because Hansen teaches that bracket can be joined to the box by an epoxy layer or other suitable fastening means (column 2 line 3-5). Those fastening means can be a double side tape, a putty, or a hook and ~~a~~ loop tape.

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Allowable Subject Matter

3. Claims 2-13, 17, 18, 20-24, 26-29 and 32-41 are allowed.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (703) 305-0853. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax numbers for the

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organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for after final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AE

June 26, 2003

Dean A. Reichard 6/27/03
DEAN A. REICHARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800